



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

☒ General Waiver

SUBJECT Request by Pittsburg Unified School District to waive <i>Education Code</i> (EC) sections 52084(a), 52084(c) and 52086(a), 9th Grade Class Size Reduction Program (Morgan-Hart), to provide a 25 to 1 student to teacher ratio across three core courses – English, mathematics and science. Waiver Number: 89-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

Reason: EC 33051(c)(1) Educational needs of pupils are not adequately addressed

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION /ACTION

This is the first waiver request for Ninth Grade Class Size Reduction for the 2004-05 school year. The State Board of Education (SBE) has discussed issues of Ninth Grade Class Size Reduction previously. In recent years waivers to increase the student to teacher ratio above 20 to 1 have been denied by the SBE. Waivers have been approved that allow schools to include three courses in their class size reduction effort rather than the two allowed by law. Additionally, Tamalpais Union High School District was approved under a SBE waiver for three years, while they sponsored legislation to increase class size as a pilot program in AB 163 (Chapter 755, Statutes of 2003). The Legislature established special conditions surrounding 25 to 1 that apply to Tamalpais, but the Legislature chose not to apply these conditions generally.

SUMMARY OF KEY ISSUES

This waiver request relates to three sections of the Morgan-Hart Class Size Reduction Act of 1989. *Education Code* (EC) Section 52084(a) specifies that one or two classes can be included in a class size reduction program. Sections 52084(c) and 52086(a) require certification that the classes identified pursuant to subdivision (b) in each participating school shall on average have no more than 20 pupils per certified teacher and no more than 22 pupils in any participating class.

The original 1989 Morgan-Hart legislation was revised in 1998 to 1) require English, 2) allow a second course if desired, 3) allow only 9th grade classes to participate.

Through the years, the statutory student-teacher ratio has always been retained at the average of 20 to 1, maximum of 22 to 1 in each classroom, the exception being only the authorization for Tamalpais Union High School District, added in statutes of 2003.

Pittsburg Unified School District, Page 2

A waiver is requested by the Pittsburg Unified School District (PUSD) to permit use of Morgan-Hart funds in three classes at a 25 to 1 student to teacher ratio to enable creation of a Smaller Learning Community for their 650 9th grade students as a pilot project for the 2004-05 school year.

PUSD is planning to cluster groups of 125 9th graders together as part of a team over the five periods of instruction. The team will share three teachers (English, math, science) who will collaborate with each other. In order to cluster the students in teams of 125, they are requesting that they be allowed to provide 9th grade English, math and science courses at a 25 to 1 ratio. These three courses are required for high school graduation.

The Tamalpais waivers **which were approved while permissive legislation for them was being sought** included the condition that participating schools have a current API over 800. The API for Pittsburg High School is 557, and the school ranks as a 2 statewide basis and as a 4 on a "similar schools" basis. It would appear that the **statutory** lower class sizes in English and math would still be a better way to go for this population.

The California Department of Education (CDE) recommends that this waiver **for the 25 to one student-teacher ratio** be denied on the basis of EC 33051(c)(1) "Educational needs of pupils are not adequately addressed." However, CDE would recommend approval of a waiver to provide three classes with the conditions that total funding to the district will not exceed two times the grade 9 enrollment of the district, and all classes will be held to the 20 to 1 student to teacher ratio average (with no more than 22 in any one class).

Authority for Waiver: *Education Code* Section 33050

Bargaining unit(s) consulted on date(s): 3/10/2004 and 3/10/2004

Position of bargaining unit(s) (choose only one):

☒ Neutral ☐ Support ☐ Oppose

Name of bargaining unit/representative(s): Pittsburg Educational Association (teachers)/Chris Rhode. California School Employees Association/Joe Coniglio.

Public hearing identified by (choose one or more):

☐ posting in a newspaper ☒ posting at each school
☒ other (specify) City Hall, Main Library, District Office

Public hearing held on date(s): 3/10/04

Local board approval date(s): 3/10/04

Advisory committee(s) consulted: School Site Council, English Learners Advisory Committee, and Riverside County Achieve (and CDE Special Education) Team.

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: 2/17/04

Period of request: 7/1/04-6/30/05

FISCAL ANALYSIS (AS APPROPRIATE)

Whether this waiver would have any fiscal impact is speculative. It depends upon what the district would do in the absence of the waiver. With the proposed condition limiting claims to two times the 9th grade enrollment in the participating schools, it is reasonable to conclude that any fiscal impact would be minor (if any).

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.